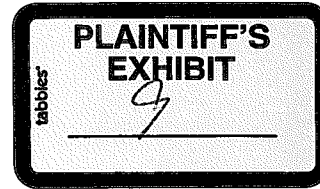


2 Pg

## Asseveration



### ***KNOW ALL MEN THESE PRESENTS;***

I, Jeanette Evelyn Kirk A white Christian woman living in Coshocton, Ohio, having a sound mind and sound body where I'm over the legal age of 18 presents this Asseveration in support of Plaintiff Craig M. Kirk for the common good of America.

Jeanette Evelyn Kirk forthwith, under pain and penalties binds her conscience and Asseverates these facts brought to this court in good faith and to the best of her knowledge understanding and beliefs asserts the accuracy and true-fullness to ***ALL*** my facts in support of Plaintiff Craig M. Kirk complaint.

Jeanette Evelyn Kirk Asseverates in good faith that ALL facts are true, asserts, correct to my knowledge understanding and beliefs under the Mosaic and Christian Law and under the law of America.

Jeanette Evelyn Kirk Craig Kirk and Paul Hughett arrived at James E. Smith dba J&R Towing across the street from the dairy queen and on the corner at the traffic light down from the old drive thru, in Fazeysburg, Ohio to get Craig Kirk's car out of James Smiths building. I and Craig walked in the building where we talked to James E. Smith, dba J&R Towing he charged Craig Kirk \$ 86.00 for the car. Craig demanded the car be released without cost. James Smith dba J&R Towing demanded Identification with payment of \$ 86.00 J&R Towing refused the release of Craig's car. Craig instructed and noticed James Smith dba J&R towing it was an illegal unconstitutional traffic stop. James Smith dba J&R towing states to get your car, you have to pay. Craig objected to the seizure of his car. Craig then paid James Smith the cost for the car. James Smith dba J&R Towing went from the office to the garage opened the shop door. James

**REPORT OF PEACE OFFICER  
ADMINISTRATIVE LICENSE SUSPENSION/NOTICE OF POSSIBLE CDL  
DISQUALIFICATION IMMOBILIZATION/FORFEITURE**

WITH OUT A COURT

|  |  |  |   |                            |
|--|--|--|---|----------------------------|
| NAME <u>Tammy Gray</u>   |  | DRIVER LICENSE NUMBER <u>250445547</u> | CLASS <u>D</u>                                | STATE <u>OH</u>            |
| CURRENT STREET ADDRESS (AS VERIFIED BY OFFICER)<br><u>1774 WOODBURN AVE</u>  |  |  |   |                            |
| CITY <u>TOLEDO</u>   | COUNTY OF RESIDENCE <u>Franklin</u>  |  | STATE <u>OH</u>                               | ZIP CODE <u>43621</u>      |
| DATE OF BIRTH<br>MONTH <u>02</u> DAY <u>02</u> YEAR <u>1976</u>  | SOCIAL SECURITY NUMBER<br><u>399 166 13025</u>   |  |   |                            |
| DATE AND TIME OF VIOLATION<br><u>06 Dec 12 33</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM | DATE AND TIME OF REFUSAL OR TEST<br><u>1</u> <input type="checkbox"/> AM <input type="checkbox"/> PM | COURT CODE<br><u>6053</u>              | COUNTY OF VIOLATION<br><u>Franklin</u>        |                            |
| VIN: _____   | YEAR <u>90</u>   | MAKE <u>Toyota</u>                     | LICENSE PLATE NO.<br><u>DE 1234</u>           | TYPE PLATE <u>STANDARD</u> |
| VEHICLE OWNER'S NAME<br><u>John Brown</u>  |  | DATE OF BIRTH<br><u>7-25-74</u>        | STREET ADDRESS<br><u>2nd St</u>               |                            |
| CITY <u>Franklin</u>   | STATE <u>OH</u>  | ZIP CODE <u>43002</u>                  | SOCIAL SECURITY NUMBER<br><u>272 174 1734</u> |                            |
| VEHICLE STORED AT: (STREET ADDRESS)<br><u>2nd St Franklin OH 43002</u>   |  |  | CITY <u>Franklin</u>                          |                            |

The arresting officer to answer the following:

COMPLETE FOR ALL ARREST:

Reasonable grounds of OMVI before test were: \_\_\_\_\_

I requested the driver, by reading advice on the back, to submit to a blood, breath or urine test for alcohol concentration and/or for the presence of any controlled substance. The driver: Check:

☐ Refused to submit to test (s).

\_\_\_\_\_ % alcohol test result

(Circle One) Blood, Breath, or Urine.

☐ Was placed under an administrative license suspension (4511.191)☐ License was seized☒ Was provided a copy of this form at the time of arrest.

## VEHICLE SANCTIONS:

☐ License plates were seized☐ Vehicle was seized under 4511.195 (OMVI)☐ Vehicle was seized under 4507.38 only (DUS or wrongful entrustment) If so, Do Not mail to BMV!☒ Vehicle is subject to immobilization☐ Vehicle is subject to forfeitureThe advise (4511.191) on the back of this form was read to me  
And I have received a copy of this form.X Tammy Gray  
Signature of Driver (OMVI arrest only)In case of a commercial vehicle, the advise (4506.17) on the back of this form was also  
read and shown to me.X \_\_\_\_\_  
Signature of Driver (Commercial Vehicle arrest only)

## COMPLETE ONLY IF OFFENDER WAS OPERATING A COMMERCIAL VEHICLE:

Arresting Officer to check the items that apply:

- ☐
- READ AND SHOWED ADVISE (4506.17) TO OFFENDER
- 
- ☐
- REFUSAL

ALCOHOL TEST RESULTS \_\_\_\_\_ %

☐ Commercial vehicle (4506.01(E))☐ BAC content of .04 or above without OMVI charge☐ BAC content of .04 or above with OMVI charge☐ 24-hour out-of-state service order☐ CDL to be disqualified☐ CDL seized☐ Violation of previous 24-hour out-of-service order☐ Hazardous material☐ Operated a motor vehicle under the influence of a controlled substance

## COMPLETE BELOW ONLY ON OMVI ARREST:

We, the undersigned, certify that the advise prescribed by the Legislative (under 4511.191), was shown to the person under arrest and read to him or her in the presence of the arresting officer and one other police officer or civilian police employee or employee of the first aid station, clinic, or hospital, at a police station, or at a hospital, first-aid station, or clinic to which the person was taken for first-aid or medical treatment.

X Tammy Gray  
SIGNATURE OF ARRESTING OFFICERENFORCEMENT AGENCY  
FranklinOH \_\_\_\_\_  
N.C.I.C. NUMBERX \_\_\_\_\_  
SIGNATURE OF WITNESSOFFICER'S BUSINESS STREET ADDRESS  
1774 WOODBURN AVE

TITLE/POSITION

CITY  
FranklinSTATE OH ZIP CODE 43002COMPLETE BELOW ONLY ON OMVI ARREST OR ARREST INVOLVING COMMERCIAL  
VEHICLE: AFFIDAVIT OF ARRESTING OFFICER:  
STATE OF OHIO, COUNTY OF \_\_\_\_\_

I certify the following: I arrested the person, having had reasonable grounds to believe the person was operating a vehicle upon a highway or upon public or private property used by the public for vehicular travel or parking in the State of Ohio under the influence of alcohol and/or drugs of abuse, or with a prohibited concentration of alcohol in the blood, breath or urine. I advised the person in the prescribed manner of the consequences of a refusal or a test. The person either refused the test, or took the test and had a prohibited concentration of alcohol in the blood, breath or urine (all as described above). In the case of a commercial vehicle (if applicable) I had reasonable ground to believe, after investigation, that the person was driving a commercial motor vehicle in the State of Ohio in violation of section 4506.15 of the Ohio Revised Code. The information contained on this form is true to the best of my knowledge and belief.

X Tammy Gray  
ARRESTING OFFICER SIGNATURE

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

X \_\_\_\_\_  
NOTARY PUBLIC'S SIGNATUREX \_\_\_\_\_  
DEPUTY CLERK OF COURT'S SIGNATURE

City of \_\_\_\_\_

White/Original - BMV

Canary - Law Enforcement

Pink - Court

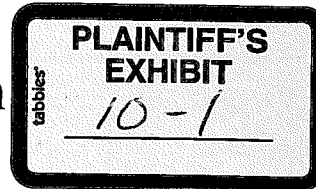
Goldenrod - Driver

Mail to BMV on refusal. 10% test and commercial vehicle arrest only.



3pg

# Asseveration



## ***KNOW ALL MEN THESE PRESENTS;***

I, Josh Paul Green an Ohio Valley Law Club member, and pro se litigant living in Muskingum Ohio owning property in Fazeysburg, Ohio having a sound mind and sound body where I'm over the legal age of 18 presents this Asseveration in support of Plaintiff Craig M. Kirk for the common good of America.

Josh Paul Green forthwith, under pain and penalties binds his conscience and Asseverates these facts brought to this court in good faith and to the best of my knowledge understanding and beliefs asserts the accuracy and true-fullness to ***ALL*** my facts in support of Plaintiff Craig M. Kirk complaint.

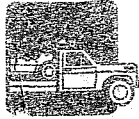
Josh Paul Green Asseverates in good faith that ALL facts are true, asserts, correct to my knowledge understanding and beliefs under the law of America. On several different times while Craig was in jail I brought to the Muskingum County jail law books under next friend for Craig Kirk but refused for his common good. While my self and Craig's wife Jeanette both brought law books together where "we" were refused together as well. I also assert that my vehicle was unlawfully immobilized with out a court date By Fazeysburg Ohio Police Department in the Tammy Gray case. Case number TRD 165-03

Josh Paul Green  
Address 9345 Black run Road  
Phone 740 6179633

"...at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established." Deuteronomy 19:15

Craig M. Kirk )  
 )  
[Signature] )  
 )  
 )

Witnesses



**J & R TOWING & RECOVERY**  
**24 HOUR SERVICE**  
 5135 Raiders Road  
 FRAZEYSBURG, OHIO 43822  
 (740) 403-6055 (740) 828-3160

# Road Service

**PLAINTIFF'S EXHIBIT**

tabbies

11

|   |                |   |                     |  |                  |
|---|----------------|---|---------------------|--|------------------|
| DATE <u>9/1/07</u>  |                | TIME <u>120</u>   | A.M.<br>P.M.        | REQUESTED BY <u>Sherrill</u>   | P.O. NO.         |
| NAME <u>Seaworth Kirk</u>   |                |   |                     | PHONE <u>622-1783</u>  |                  |
| ADDRESS <u>Raiders Rd</u>   |                |   |                     |  |                  |
| CITY <u>Frazeysburg</u>   |                |   |                     | STATE <u>Ohio</u>  | ZIP <u>43822</u> |
| LOCATION OF VEHICLE'S   |                |   |                     |  |                  |
| YEAR, MAKE, MODEL <u>1992 Ford Escort</u>   |                |   | COLOR <u>Silver</u> | DRIVER <u>CDALP Kirk</u>   |                  |
| STATE   | LIC. PLATE NO. | VEHICLE I.D. NO. <u>1EAPP15J0W13948</u>   |                     | REGISTERED OWNER   |                  |
| MILEAGE   |                | SERVICE TIME  |                     | EXTRA PERSON   |                  |
| FINISH  |                | FINISH  |                     | FINISH   |                  |
| START   |                | START   |                     | START  |                  |
| TOTAL   |                | TOTAL   |                     | TOTAL  |                  |
| REASON FOR TOW  |                |   |                     | SPECIAL EQUIPMENT  |                  |
| <input type="checkbox"/> ACCIDENT<br><input checked="" type="checkbox"/> ARREST<br><input type="checkbox"/> UNREGISTERED<br><input type="checkbox"/> TOW ZONE<br><input type="checkbox"/> SNOW REMOVAL  |                |   |                     | <input type="checkbox"/> ABANDONED<br><input type="checkbox"/> STOLEN CAR<br><input type="checkbox"/> BREAK DOWN<br><input type="checkbox"/> LOCK OUT<br><input type="checkbox"/> START                            |                  |
| <input type="checkbox"/> FLAT TIRE<br><input type="checkbox"/> OUT OF GAS<br><input checked="" type="checkbox"/> IMPOUNDED  |                |   |                     | <input type="checkbox"/> SINGLE LINE WINCHING<br><input type="checkbox"/> DUAL LINE WINCHING<br><input type="checkbox"/> SNATCH BLOCKS<br><input type="checkbox"/> SCOTCH BLOCKS<br><input type="checkbox"/> DOLLY |                  |
| TYPE OF TOW   |                | TOWED PER ORDER OF  |                     | VEHICLE TOWED TO   |                  |
| <input type="checkbox"/> SLING/ HOIST TOW<br><input checked="" type="checkbox"/> FLAT BED/ RAMP<br><input type="checkbox"/> WHEEL LIFT<br><input type="checkbox"/>  |                | <input type="checkbox"/> STATE POLICE<br><input type="checkbox"/> LOCAL POLICE<br><input type="checkbox"/> OWNER<br><input type="checkbox"/> DEALER |                     | FIRST TOW<br><br>SECOND TOW  |                  |
| STORAGE FROM  |                |   |                     | TOWING CHARGE <u>\$50.00</u>   |                  |
| TO _____ DAYS @ \$ _____  |                |   |                     | MILEAGE CHARGE   |                  |
| PAID BY   |                |   |                     | EXTRA PERSON   |                  |
| <input type="checkbox"/> CASH <input type="checkbox"/> CHECK    DRIVERS LIC. NO. <u>RL916069</u><br><input type="checkbox"/> CREDIT CARD <input type="checkbox"/> MC <input type="checkbox"/> VISA <input type="checkbox"/> AMEX    EXP. DATE <u>10/30/07</u> |                |   |                     | SPECIAL EQUIPMENT  |                  |
| CC NO.  |                |   |                     | LABOR CHARGE   |                  |
| OPERATOR'S SIGNATURE <u>[Signature]</u> DATE <u>9/1/07</u>  |                |   |                     | STORAGE <u>\$150.00</u>  |                  |
| TRUCK NO.   |                |   |                     | SUB-TOTAL  |                  |
| AUTHORIZED SIGNATURE <u>[Signature]</u> DATE  |                |   |                     | TAX  |                  |
| VEHICLE RELEASED TO   |                |   |                     | TOTAL <u>\$65.00</u>   |                  |

Not responsible for loss or damage to vehicle in case of fire, theft or any other cause beyond our control.

**Thank You**

PRODUCT 2525

MICHEL, BALDWIN, NORTHRUP LLP

ATTORNEYS AT LAW  
3808 JAMES COURT, SUITE #2, P.O. BOX 788  
ZANESVILLE, OHIO 43702-0788

ANK J. MICHEL  
MICHAEL J. MICHEL  
JAMES C. MICHEL (1956-1992)  
STEVEN R. BALDWIN  
MICHAEL A. NORTHRUP  
DAVID E. MORTIMER  
JEREMY M. MCLENDON  
BENJAMIN W. WHITACRE  
ERIC D. MARTIN

TELEPHONE (740) 454-2545  
(740) 453-8484  
FAX NO. (740) 454-6372

December 15, 2009



Craig Kirk  
P.O. Box 996  
Coshocton, Ohio 43812

Re: *Kirk v. Muskingum County, Ohio, et al.*

Dear Mr. Kirk:

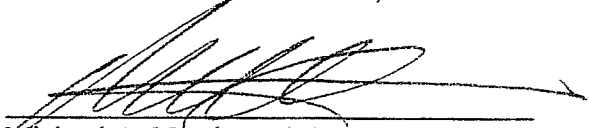
In response to your informal discovery request, I am enclosing the following:

1. Application for Conditional Use for Property located at 10 E. 3<sup>rd</sup> Street. (Please note that this is different property then James Smith's.);
2. Withdrawal of Conditional Use Application; and
3. Minutes of Public Hearing.

In response to your request No. 6, please be advised that Mr. Lawler had no relationship with James Smith. There were no rental agreements or insurance statements.

In response to your request No. 7, Mr. Lawler does not believe such information is relevant since he had no relationship with Mr. Smith.

In response to your request No. 8, Mr. Lawler is aware that someone complained about the number of cars parked at the lot used by Terry Lewis. Again, please note that the property used by Mr. Lewis is not the property used by James Smith. Mr. Lawler does not, nor has he ever had any interest in the property used by Mr. Smith.

  
Michael A. Northrup (0011235)  
Attorney for James Lawler



PO Box 2112 • Zanesville, Ohio 43702-2112  
(740) 454-3724 • Fax (740) 455-3107



## VILLAGE OF FRAZEYSBURG BOARD OF ZONING APPEALS

### Public Hearing

Call to Order: 5:46 P.M.  
11/19/07

Attending: Mayor Scott James, Jeff Crabtree, Tom Starner, Kenny Jenkins, Red Howard, Spencer Nethers

Absent: Jackie Middlemus

A quorum was present to conduct business.

Rob Guentter, Zoning Administrator presented the staff report for the request of Jim Lawler for a Conditional Use Permit for a parking impound lot with fencing for 10 E. Third St.

Testimony for: Terry Smith – representing owner Jim Lawler  
Privacy fence minimum 6 ft. for impound lot with gravel down on the ground.

Requested 60 ft. reduced to 40 ft. along Third St., to improve safety.

No comments against.

Storm water and sewer lines run through this section, with recorded utility easements over about 25 ft. section, according to Eric.

Mr. Smith withdrew the application because of utilities through the site running north to south.

Rob gave out draft yard sale language for code upgrade. BZA indicated council has already passed an ordinance based on this information.

The need to require fences around pools, and enforcement was raised by the BZA.

With no further discussion, the meeting was adjourned at 6:00 P.M.

Respectfully submitted,

Robert Guentter Jr. AICP  
Zoning Administrator

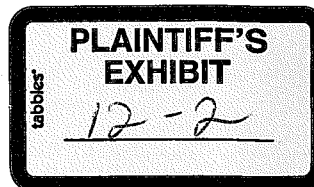


**R F G**  
ASSOCIATES, INC.

PO Box 2112 • Zanesville, Ohio 43702-2112  
(740) 454-3724 • Fax (740) 455-3107

11/20/07

Jim Lawler  
Village Auto Pride  
10 E. 3<sup>rd</sup>. St.  
Fazeysburg, OH 43822



Dear Mr. Lawler,

At the 11/19/07 Board of Zoning Appeals (BZA) meeting, the Board accepted the withdraw of your request for a Conditional Use Permit for an auto impound lot at 10 E. 3<sup>rd</sup>. St., Fazeysburg, OH.

Mr. Smith withdrew the application after he was informed that water, sewer and storm water utilities run north to south through this site.

Please call me if you have any questions:

Sincerely,

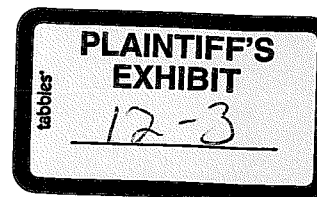
A handwritten signature in black ink, appearing to read "Robert Guentter Jr.".

Robert Guentter Jr. AICP  
Fazeysburg Zoning Administrator

Cc: Village



PO Box 2112 • Zanesville, Ohio 43702-2112  
(740) 454-3724 • Fax (740) 455-3107



8/21/07

Jim Lawler  
Village Auto Pride  
10 E. 3<sup>rd</sup> St.  
Frazeyburg, OH 43822

Dear Mr. Lawler,

Thank you for your zoning application for creating an impound car lot, with a security fence, at 10 E. 3<sup>rd</sup> St., Frazeyburg, OH.

Section 9.06 Table 13 Permitted and Conditional Uses in Business Districts, of the Frazeyburg Zoning Ordinance, describes in (b)2) commercial parking lots as a conditional use.

Resulting, to allow this use on the property, a Conditional Use Permit must be secured from the Board of Zoning Appeals (BZA).

The Village Clerk can assist you with the application for a BZA public hearing.

Please feel free to call me at (740) 454-3724 if you have any questions.

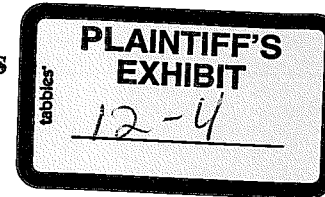
Sincerely,

Robert Guentter, Jr. AICP  
Frazeyburg Zoning Administrator

✓ Cc: Village of Frazeyburg



Village of Frazeyburg  
Board of Zoning Appeals  
Staff Report  
Public Hearing



7pg

Public Hearing: November 19, 2007  
5:30 P.M. Frazeyburg Town Hall

**Applicant:** Jim Lawler  
10 E. Broad St.  
Frazeyburg, OH 43822

**Request:** Conditional Use under Section 6 Conditional Uses, for a parking impound lot with fencing for a towing service. The request would cover an area of 35 ft x 60 ft, which would allow for up to 10 cars in impound storage. The applicant has indicated they do not expect to have that many very often. Conditional uses may be granted by the Board of Zoning Appeals if the following criteria are satisfactorily addressed.

**6.01 Table 6: Approval Criteria for Conditional Uses**

If granting approval or conditional approval of a variance, the Board of Zoning Appeals shall prepare a notice of decision letter that the proposed use is compatible with the existing uses in the area and that all conditions listed below apply to the application:

- (a) **Traffic** – Any adverse impact of traffic flow, including types and volume not typical to the particular zoning district has been minimized.
- (b) **Environmental Nuisance** – Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects, not generally associated with permitted uses within the particular zoning district, have been minimized.
- (c) **Neighborhood Character** – The proposed use shall fit harmoniously with the existing and man-made character of its surrounding and with permitted uses in the zoning district. The use shall not cause undue harmful effects on the environmental quality, property values or neighborhood character present in the area.
- (d) **Public Services and Facilities** – The proposed use shall not require public services and facilities greater than normally associated with permitted or existing uses present in the area.
- (e) **Public Safety and Health** – The proposed use shall not be detrimental to the health or safety of the employees, patrons or visitors associated with the use nor of the general public in the area.
- (f) **Other Factors** – The proposed use is compatible with any other elements of compatibility relating to the particular conditional use or its particular location.

**VILLAGE OF FRAZEYSBURG**  
**APPLICATION FOR ZONING APPROVAL**

**THE APPLICANT:** Complete sections 1 – 5 and return to the Zoning Administrator Office,  
 PO Box 160, 7 Second St., Frazeysburg, OH 43822. Phone: 740-828-2901

**SECTION 1: LOCATION OF PROPERTY**

Street Name and Number: 10 E 3rd ST

On the (north) (south, east, west) (circle one) side of the street,

between the intersections of Scout Rd and 3rd ST



**SECTION 2: OWNERSHIP OF PROPERTY**

\_\_\_\_ Owner Name: Jim Lawler

Address: \_\_\_\_\_ PO Box \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

\_\_\_\_ Agent Company: Village Auto Pride

Address: 10 E 3rd ST PO Box \_\_\_\_\_

Phone: (740) 404-7800

**SECTION 3: ZONING INFORMATION**

A Site Plan showing lot boundaries, existing buildings and proposed structures along with dimensions must be submitted with the application as per Sect 3.11, Table 2, in the Zoning Ordinance. Complete Page 3, or attach your detailed Site Plan.

Proposed Use of the Property:

\_\_\_\_ New Construction      \_\_\_\_ Renovation or addition to existing building

☒ Parking Lot      \_\_\_\_ Swimming Pool

\_\_\_\_ Sign      ☒ Fence

\_\_\_\_ Other: \_\_\_\_\_

Description of Project: Privacy Fence for Inbound Lot for  
Towing Service AT Auto Repair Shop.

7 PJ

**SECTION 4: EXISTING USE OF PROPERTY**

☐ Vacant Lot                      ☐ Single-Family Residential  
☐ Two-Family Residential       ☐ Multi-Family Residential  
☒ Commercial                      ☐ Industrial  
☐ Other: \_\_\_\_\_

**SECTION 5: VALIDATION**

The OWNER of the property referenced above and then UNDERSIGNED agree to conform to all applicable zoning laws of the Village of Frazeyburg and does attest to the correctness of the data furnished with this application and that no part of the land involved in this application has been previously used to provide required yard space or lot area for another structure.

Signature of Applicant: [Signature] Date 8/20/07

Mailing Address (with P.O. Box) 148 4th ST FRAZEYBURG, OH 43822

**DO NOT WRITE IN AREA BELOW**

Zoning District: \_\_\_\_\_ Property located in NFIP Flood Zone: \_\_\_\_\_ Yes \_\_\_\_\_ No  
 If yes, Flood Plain Application Approved \_\_\_\_\_ Date \_\_\_\_\_

Existing Use: \_\_\_\_\_ Permitting \_\_\_\_\_ Conditional \_\_\_\_\_ Non-Conforming

Required Setbacks: \_\_\_\_\_ Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Corner Side

Zoning Approval: \_\_\_\_\_ Approved Approval Number: \_\_\_\_\_

\_\_\_\_\_ Denied Appeal Number: \_\_\_\_\_

\_\_\_\_\_  
 Zoning Administrator

\_\_\_\_\_  
 Date

Remarks: Check with the Village (740) 828 – 2901 for any other permits needed.



VILLAGE OF FRAZEYSBURG  
Site Plan Submission

8,20,07  
Date

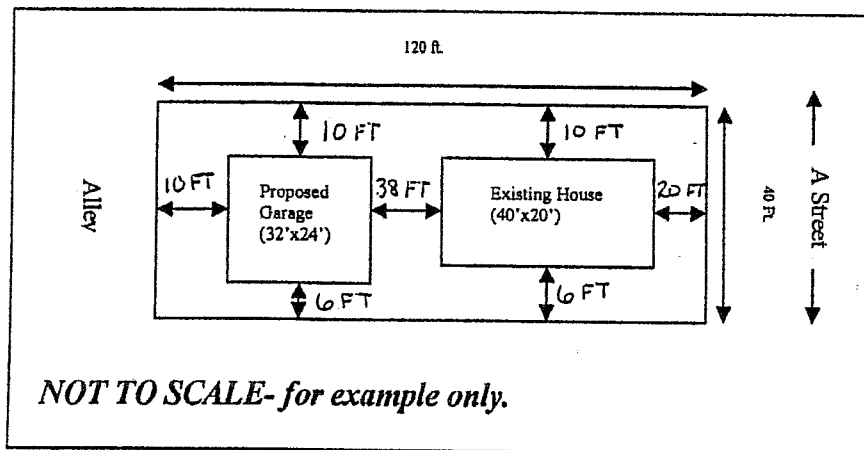
Property Owner: Jim Lawler

Property Address: 10 E 3rd St

Description of Project: Privacy Fence for Impound Lot  
For Towing Service at Auto Repair Shop

Sample Site Plan:

Show and label all existing and proposed buildings, streets, dimensions (in feet) and please provide any other significant information.



Proposed Site Plan:

Please show your proposed site plan here -- or on an attached page.

